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Legaré Walker

A SKETCH

OF

The Town of Summerville,
South Carolina.

BY

LEGARÉ WALKER,
CORPORATION COUNSEL.

1910.

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A SKETCH OF SUMMERVILLE.

So far as is known there is no complete, connected and full history of the Town of Summerville, and though it would be impossible in an article, limited as this must necessarily be, to attempt such a history, I shall endeavor to set forth in a more or less connected narrative, such facts and references as I have been able to gather in the limited time at my disposal. They will thus be preserved and possibly, as a nucleus, will aid some future chronicler in the preparation of a more pretentious History.

Mr. Henry A. M. Smith, who has always taken a lively interest in historical research, and especially in the history and traditions of the lower section of the State—himself a resident of Summerville for many years—contributed to the April, 1905, number of the South Carolina Historical and Genealogical Magazine an article entitled “The Town of Dorchester in South Carolina—a Sketch of its History”. This sketch is the repository of much valuable information as to the genesis of Summerville, both as to its settlement and its early land grants, but more particularly the latter.

Some of the land now in the corporate limits of Summerville seems to have been granted as early as 1699—1700, and all of it not much latter than this period. With Dorchester, a flourishing town, only about six miles distant, it is reasonable to suppose that the white man was here probably as a very temporary settler while engaged in hunting, and occupations dependent upon the forests, in the early part of the Eighteenth century. Mr. Smith, in the article above referred to says:

“As early as 1729 the land where the old mill dam ran across the swamp in Summerville was known as ‘Saw mill land’. It had no connection with the tract of 123 acres reserved as ‘Mill land’ near the town of Dorchester, but was the land around the saw mill which was operated by Daniel Axtell prior to 1707. Ever since that date this part of Booshoo Creek, adjacent to Summerville, has been known as ‘Saw Mill Branch’.

In 1882, before the present canal down the swamp was excavated, the old mill dam was practically intact. Some of the old timbers of solid cypress remained on the old mill site. The oldest inhabitant could remember no one who had seen the mill run, and the growth of pines showed that no water could have been kept on the pond for near a century."

Very little is known in regard to the early history of the town as a settlement, and there seems to be no record of the date of its settlement. This is not surprising, for the town was evidently never "planted" as was Dorchester, nor "settled" at a specific date by any band of settlers: the probability is that persons from Dorchester and its neighborhood resided in this locality from time to time, that it had been tried as a place of residence and that its advantages of health and climate were well known, before it became an established and localized settlement.

As to its probable settlement Mr. Smith, in the article before referred to, says :

"On March 5, 1788, scarcely five years after the close of the war, the following entry is made in Bishop Asbury's Journal :

'March 5, 1788. I passed Dorchester where there are remains of what appears to have been once a considerable town. There are the ruins of an elegant church and the vestiges of several well built houses.'

With the decadence of Dorchester, and perhaps accelerating it, came the foundation and growth of the town of Summerville, situated at first about five miles off, on the headwaters of the same creek that flowed by Dorchester, and on a part of the grant originally made to Gershom Hawks in 1705.

Prior to this date (1811) its occupancy had begun. The planters of the neighborhood, in search of some healthy retreat during summer, where security could be had from the malarial disorders that beset their fertile but unhealthy plantations, found that the pine land ridges of Summerville answered the purpose. There was a thick growth of the long leaf or yellow pine, and a succession of dry sandy ridges, with a sufficient fall

in the water courses to carry off the excessive rain and moisture. It was found to be free from the pest of mosquitoes and the nights, even in summer, fresh and invigorating.

From about 1790, little by little one planter after another made a summer settlement and built a house, and the abandoned and decaying houses of Dorchester (from which materials, and especially bricks were removed) formed the basis and furnished the foundations of the new town, until nothing but crumbling piles of broken fragments of brick were left to mark the sites of the hearths of the old one." Again

"The town of Summerville, altho' in some respects the descendant of Dorchester, as being in part situate upon the original Dorchester grant, and in part upon land granted to or owned by persons affiliated with the original Dorchester settlers (Hawks and Stewart) and in part originally constructed from materials derived from old Dorchester, yet was settled by entirely different people. The effect of the exodus to Georgia was such that among the earlier settlers of Summerville there is not one bearing the name of any of the "Church" who migrated from Dorchester, Massachusetts."

Mr. John Gadsden, between May 17th, 1901, and January 17th, 1902, (both inclusive,) writing as "Summerville's Oldest Inhabitant" contributed a number of articles on the "History of Summerville" to the "Summerville News", a weekly newspaper then published in the town. These are very interesting and contain some valuable data, but, save for a few articles, they deal more particularly with the families connected with the town, the location of their residences, and the personal reminiscences of the writer, than with the history of the town itself—indeed his expressed intention was to write simply a narrative.

The issues of the "Summerville News" containing these articles are now in the possession of Mr. Gadsden's family, who very kindly lent them to the writer of this sketch, with permission to use such parts as might be desired. They are probably the only copies extant, and it is to be hoped that

something will be done to preserve them by reprinting them in pamphlet form, or some other manner.

Arguing from "natural evidences" around Summerville, such as old trees on "charcoal kilns" and dams, and other things tending to show the activities of civilized man in this locality about such period, Mr. Gadsden concludes that "one would not be warranted in asserting that the white man was not here by 1750". This estimate is certainly conservative, for as before stated he was probably here in the early part of that century.

It is, however, well known that the planters of the Parishes of St. George and St. Paul between 1785 and 1800 made Summerville their place of residence in summer. The residences were not pretentious, more in the nature of summer camps, and they lived (as two writers have expressed it) in more or less a "marooning fashion". The village was deserted in the winter, and the character of the occupation remained thus until 1830 or 1835.

In Mr. Gadsden's article of June 7th, 1901, he says:

"What families were the first to make Summerville their summer resort has never been decided. It was claimed by some that, possibly, Miss Frances Hopkins and her half-brother, Col. Walter, were among the first. Miss Hopkins lived where Mrs. James Jervey now does," (at this date 1910 owned by Mr. John A. Burgess,) "and will be remembered by the children of that day for her beautiful shell and wax work. She has left more enduring mementoes of herself in certain trees she planted. With this family, who were from the neighborhood of Dorchester, came also the Warings, Mileses, Perrys, Boyles, and Boones—some from St. George's and some from St. Paul's parish. Very few years must have intervened between the coming of the first and that of the last of the families named.

The venerable Mrs. Pickens, the mother of Mrs. J. J. Miles, spoke to me of a visit made by her to Summerville in 1808. Her visit was to the household of Mr. Jeremiah Miles who lived in the lot (now divided into two lots) the property at this date of Mrs. M. E. Johnson. Mrs. Pickens recalled the fact that several other families were spending the summer here and the

place seemed to her to be a small village. The Mileses, then were here, and certainly the Warings and the Perrys, possibly also the Boyles. The Boones did not come till about 1818."

Again in Mr. Gadsden's article of June 14th, 1901, appears a copy of "A list giving the number of houses and the names of the occupants in the village of Summerville in 1828, made by the Rev. Philip Gadsden" (his father). The number of houses so listed is twenty-three.

This settlement was subsequently known as "Old Summerville," to distinguish it from "New Summerville" next referred to. (The plats of Old Summerville are referred to hereafter).

In 1831 the South Carolina Canal and Railroad Co. purchased a large tract of land adjacent to "Old Summerville" and the following year had a portion of this tract laid out into the Village of "New Summerville" and a plat of the same made (of which we shall have something to say hereafter).

In Mr. Gadsden's article of July 26, 1901, he states that a change took place in the character of the settlement about 1835, the families, or certain of them, remaining in the village the year round. In subsequent articles that "New Summerville" was settled by families from Charleston and not the "Planters' families" who resided in "Old Summerville". That in April 1848 the first accommodation train between Charleston and Summerville was put on, running in the summer only, and that it was not until 1858, after the yellow fever epidemics in Charleston had brought Summerville into prominence as a health resort and its population had increased that the accommodation train was operated throughout the year.

In 1847 the "Village of Summerville" was incorporated, the corporate limits including "Old Summerville" and a part of "New Summerville," but not that part of "New Summerville" to the Northeast of the Railroad track.

It is said that the main object in incorporating the town was to secure protection for the trees by proper municipal regulation. This is probable for from the early settlement of the village its pine trees have been jealously guarded. The Railroad Company inserted a special clause in their deeds to lots in New Summerville for the protection of the pine trees (vid.

hereafter), the motto on the town's seal is "Sacra Pinus Esto", (General Ordinances, Sec. 1,) and by ordinances now in force cutting of pine trees in the town limits, even on one's own premises, is prohibited except upon petition to council and its consent, and these trees are otherwise protected by provision for the destruction of dead trees, by which it has always been asserted, live ones are destroyed. (Gen. Ordinances Sec 11) and 120).

The writer has the Original "Plan of the village of Summerville now Incorporated Drawn by F. C. Schultz May 1849". Though designated a "Plan" it is more accurately speaking a map or sketch, for it does not seem to be drawn to any scale and shows only a few streets—none of those regularly laid out on Detmold's Plan of 1832. It is quite valuable, however, as it shows the locations of the residences at this date, the names of those occupying them being given in each instance. The railroad is its Northeastern boundary, none of the lots to the Northeast of the railroad being shown. It evidently purports to follow the lines of the town according to the Act of Incorporation.

Except for data relating to the title to Summerville lands (which will be hereafter disclosed) these are perhaps the only facts and references now obtainable relating to the settlement of the town and its early history as a community or village.

From the foregoing and other sources of information, the history of the town may be thus succinctly recorded: The first grant covering Summerville land was in 1699—1700. The white man was possibly here, probably a very temporary settler while engaged in occupations dependent on the forests, in the early part of the eighteenth century. The necessity for a healthy summer resort impelled the families from the surrounding plantations to seek one, and the pine ridges of Summerville attracting them it was probably first settled about 1785. Between this date and 1808 the houses were not of a permanent character, the settlements being more in the nature of summer camps. It was solely a summer resort—hence the name "Summerville." This settlement continued to grow, and in 1828 it was a substantial little village, containing about twenty-three

houses. It gradually increased, but still only a summer resort, until about 1835, when there were families who remained for the entire year. The building of the railroad, and the facilities thus afforded for reaching Charleston, the establishment of New Summerville by the Railroad Company and its success in inducing persons to purchase lots and build, the yellow fever epidemics in Charleston, between 1852 and 1858, which drove many of its families here, and later the accommodation trains—all contributed to the substantial growth of both "Old" and "New" Summerville, and by 1860 it had progressed from a Village to quite a little Town, a large portion of its population being permanent and continual residents, considerably augmented each summer by a temporary influx from Charleston, but too near this City to prosper to any extent commercially.

Its growth suffered, in common with most other Southern towns, during the War between the Sections, but began with renewed energy shortly afterwards, and has steadily continued. Its commercial and business growth, however, can scarcely be said to have begun earlier than ten years ago, but it has been steady and permanent, and the town has completely ceased to be dependent upon Charleston for its necessities, and save in very few particulars, it is self supporting.

The Summerville of to-day is a thrifty, self-reliant and substantial business town, a flourishing suburban residential town, and a renowned and popular winter and summer resort; a combination which must surely lead her to the next and higher grade, a popular and prosperous City.

HISTORY OF ITS LAND TITLES.

Having touched on the history of Summerville as a settlement and town, and such occurrences in this connection which seemed of sufficient importance to be noted, I shall now endeavor to give a short history of the title to the lands embraced in the town. As far as possible there will be presented only such facts as the records, plats and reliable repositories furnish, and this will be de-

parted from only to record matters so well founded on tradition or of such evident interest, as to merit recognition.

It was my intention to trace the history of Summerville's land back to grants. To connect any specific tract of land with an old grant is, at best, an exacting and difficult task, but when the grants are at very early dates, (as in Summerville's case,) and many links in the chain of title are not disclosed by the records in the public offices, thus rendering it necessary to seek for information elsewhere, the undertaking becomes one which requires years of work and research.

Having pursued the investigation far enough to demonstrate that to connect with grants would require so much time that it would be impossible to publish the results in this pamphlet, I determined to begin the history of the title about the end of the Eighteenth century, when several large tracts covered the present site of the town.

I was resolved, however, to continue my investigations, from time to time, in an endeavor to complete the work as originally planned, for I felt that these early data should be collected and preserved, and that by so doing I would confer a public benefit, my compensation being the pleasurable emotions of a path finder, coupled with the satisfaction derived from the gratuitous performance of a public work.

At this juncture, however, Mr. A. S. Salley, Jr., Secretary of the State Historical Commission, referred me to Mr. Smith's article on Dorchester heretofore referred to, and I not only found that this article contained much valuable and interesting data in regard to Summerville, and in particular the history of her early land grants, but also that Mr. Smith had been collecting for years with much painstaking care and toil, valuable papers and data upon which his sketch was based, many of which related to the genesis of Summerville's land grants. It, therefore, was evident that any further investigation along these lines could accomplish nothing more than had already been accomplished, save possibly to elaborate.

Realizing that the information in Mr. Smith's possession was far too important not to be permanently recorded in some local repository where those seeking for Summerville's history would

most likely refer, the writer requested him to prepare a short sketch of the early history of Summerville lands. This he very kindly consented to do, and the following is taken from this sketch:

"The present Town of Summerville is situated in the main upon parts of three original grants, viz:

(1) A grant for 2250 acres dated 1st February 1699—1700 to John Stevens (Off. Secy. State, Vol. 38, p. 298).

(2) A grant for 1000 acres dated 17 May 1700 to Robert Fenwick (Off. Secy. State, Vol. 38, p. 400).

(3) A grant for 1000 acres dated 15 Sept. 1705 to Gershom Hawks (Off. Secy. of State, Vol. 38, p. 523).

THE 2250 ACRE GRANT TO JOHN STEVENS.

This grant with another grant of the same date to John Stevens for 1800 acres formed the tract known as 'Dorchester' and was subdivided among the Dorchester settlers. The whole combined tract of 4050 acres was subdivided into lots, but lots 12, 13, 14, and 19 in the second division were all parts of the 2250 acre grant.

John Stevens conveyed lots 12 and 14, each containing 45 acres to Michael Bacon on 21 Sept. 1702. Michael Bacon devised these two lots to his son Jonathan Bacon and on 19 December 1744 Jonathan Bacon conveyed them to Daniel Stewart. (Off. Hist. Commission Memo. Bk. 7, p. 474)

Lot 13 also containing 45 acres was conveyed by John Stevens on 21 Sept. 1702 to Thomas Osgood, who on 26 May 1737 conveyed it to Daniel Stewart (*ibid*).

Lot No. 19 containing 45 acres was conveyed by John Stevens to Samuel Sumner (Off. Hist. Com. Memo. Bk. 5, p. 242), who on 11 Sept. 1707 conveyed it to Gershom Hawks.

THE ROBERT FENWICK 1000 ACRE GRANT.

This seems to have passed to Lady Elizabeth Axtell for on 12th May 1712 she conveyed it to Gershom Hawks (M. C. O. Charleston Bk. K, p. 246) and he conveyed off 500 acres to Daniel Axtell for on 6th. March 1729 Daniel Axtell Senr. and Daniel Axtell Junr. of Bristol, Massachusetts, conveyed 500

acres of this Fenwick grant to Daniel Stewart (Off. Hist. Conn. Memo. Bk. 1, p. 160).

THE GERSHOM HAWKS 1000 ACRE GRANT.

This seems to have passed into the hands of Lady Rebecca Axtell for by her Will she devised it to several people, devising 100 acres to Hannah Stewart wife of Daniel Stewart (Off. Hist. Conn. Memo. Bk. 8, p. 238).

What interest Daniel Axtell Senr. and Daniel Axtell Junr., of Bristol, Massachusetts, had in this 100 acres does not appear but in their deed to Daniel Stewart of 6th March 1729 they include this tract of 100 acres.

Daniel Stewart being thus possessed of lots 12, 13, and 14, and of 500 acres part of the Fenwick grant and 100 acres part of the Hawks grant, on 24 Dec. 1766 conveyed the whole (estimated as 750 acres) to Michael Geiger (Off. Hist. Conn. Memo. Bk. 8, p. 238).

Michael Geiger died intestate in 1768 and the foregoing 750 acres descended to his son and heir at law Jacob Geiger. * * *

Gershom Hawks to whom lot 19 and the Fenwick grant had been conveyed died leaving the land to his sons. Either before or after his death 500 acres of this grant was transferred to Daniel Axtell, Senr., or Daniel Axtell, Junr., leaving 500 acres which with lot 19 eventually passed to his son Moses Hawks, as the heir at law of his father Gershom Hawks and his brother, Thomas Hawks. After the death of Moses Hawks his executors on 15 December 1737 conveyed this 545 acres to Daniel Stewart who dying intestate the lands descended to his eldest son John Stewart who on 31 January 1760 conveyed the 545 acres to Samuel Wainwright—(Off. Hist. Conn. Memo. Bk. 6, p. 245).

Samuel Wainwright on 17 November, 1764, had purchased from Josiah Smith, Executor of Dr. Samuel Stevens, a tract of 1300 acres (Off. Hist. Conn. Memo. Bk. 2, p. 485), which had been granted to Dr. Stevens on 16 January, 1735, (Off. Secy. of State Royal Grant Bks. Vol. 2, p. 207). This 1300 acres, with the 545 acres purchased from John Stewart and 500 acres purchased by Samuel Wainwright from Matthias Hutchinson, made together a tract of some 2345 acres which Wainwright owned at his death

in 1784 and passed under his will to his nephew Richard Wainwright and niece Elizabeth Hopkins—(Probate Court Charleston, Book A, p. 416).

By some family arrangement the land seems to have passed to Richard Wainwright for in 1794 Richard Wainwright mortgaged to Miss Elizabeth Hopkins a tract of 2300 acres which seems to be this land. (M. C. O. Charleston Bk. W. No. 6, p. 384).* * *

Detmolds map of New Summerville includes lot No. 19 and part of the 500 acres part of the Robert Fenwick grant.

A small part of the present Town of Summerville lying West of the 747 acres portrayed on the map of Payne of December 1832, and also West of the line of the 2300 acres purchased by the South Carolina Canal and Railroad Company according to the map attached to the deed to that Company is said to have been originally granted to ———Stewart, but I have never been able to trace the title back to any grant to him.

In 1798 one James Stewart took out a grant for 500 acres. A location of the plat attached to this grant shows plainly that it was an infringement of previous grants. It covers lots 12, 13, 14, and 19 of the Dorchester grant and also a part of the Robert Fenwick grant. It also covered other parts of the Dorchester grant. As to so much of this grant to James Stewart as infringed on the titles held by Jacob Williman and Richard Wainwright neither James Stewart nor any of his heirs seem to have ever asserted title. At least I have never seen any titles to that portion derived from Stewart. As to such part of it, however, as covered other parts of the 2250 acre grant (lying South of the Saw Mill Branch) and which part seem to have been abandoned by the persons to whom John Stevens conveyed or their heirs this James Stewart grant seems to have been in part at least asserted and maintained. In 1803 Stephen Nettles took out a grant for 1000 acres (Off. Secy. of State Grant Bk. H, No. 5, p. 303). The plat attached to this grant when located apparently covers much of the land included in the James Stewart Grant but whether any title was ever asserted under it I cannot say."

It will be seen, therefore, that the lands now within the town

limits came from several different sources. I shall now take up the history of these tracts from the point when Mr. Smith's sketch stops and bring it up to recent times.

The larger tracts from which these lands came are most frequently referred to locally as follows: 1. The Williman, Moer or Gadsden Tract—(which includes Old Summerville); 2. The Wainwright or Railroad Tract (New Summerville); 3. The James Stewart or Nettles Tract; 4. and the Daniel Stewart Tract).

1. THE WILLIMAN, MOER OR GADSDEN TRACT.

Approximately speaking this embraces the Southern portion of the town, the lines running about as follows:

Beginning at the intersection of the road and the canal back of Mr. Pedder's and Mr. Rivers's, thence to the Stallsville Road near the residence of Dr. Muckenfuss, thence following the line of the James Stewart or Nettles Tract to the Old Methodist Church, and thence East along the line of this tract to a point near the intersection of Main Street and the next Street South of Seventh South Street, thence in a straight line Northwardly (separating it from the Wainwright tract) to a point a little North of the termination of Sixth South Street thence in a straight line Northwestwardly (separating it from the Wainwright tract) to the intersection of Hickory Street and the prolongation of Fifth South Street, thence in a general Southwestwardly direction to the Southern limits of the town. (I have not been able to satisfy myself exactly where this last line ran, but am inclined to think that it so ran as to exclude at least that portion of the town lying to the West of Central Avenue.)

(Outside of the town this Tract covers Germantown, Mrs. Weed's, Mr. Pedder's and adjacent properties.)

This is the 750 acres heretofore traced to Jacob Geiger (page 226). From him the title passed as follows:

In 1809 Reuben Levy as Attorney for Anna Catherine and Owen Ross her husband brought suit against Jacob Williman (Charleston County Bills, 1809, No. 10). The Bill in this case alleges that — Geiger appointed Jacob Williman his Attorney, that John J. Geiger intermarried with Anna Catherine, who had

ments to said wife and children. That John J. Geiger died in 1795 and his widow married Owen Ross. Jacob Williman in his Answer alleged that he then held a tract of land owned partly by Estate of Jacob Geiger, but against which he had claims. In the Report in this case (Charleston County, Report Book 2, p. 115) the property is described and report made as to the status of the holding. By Decree dated Nov. 16, 1810 (Charleston County-Minute Book No. 11, p. 60) the property was ordered sold and accordingly, William H. Gibbes Master by deed dated Apr. 8th, 1811 (R. M. C. office for Charleston County Book Y 8, p. 304) conveyed to Jacob Williman among other lands the following: "a tract of land of about 754 acres more or less, situate in said parish & particularly described in a plat by Nathaniel Bradwell Deputy Surveyor resurveyed for Daniel Stewart in October 1776 and then bounded Northwardly on lands of D. Blake now of——, Eastwardly by lands of the inhabitants of Dorchester and now of——, Southwardly on lands then of——." Jacob Williman by his last Will and Testament dated Aug. 1st 1820 and probated Aug. 11th 1820 (Probate Court Charleston County Will Book F, p. 201) directed that his property be sold, and under this power the lands in question were sold to Wilbrandt Schmidt who mortgaged the same to secure a portion of the purchase money. Neither this deed nor mortgage is of record. Wilbrandt Schmidt failing to pay the mortgage the Executors of Jacob Williman brought suit against him to foreclose the same (Charleston County Bills 1829 No. 86). A Decree was passed in this case for a sale (Decree Book No. 5, p. 150) and by Master's Report dated Jan. 31st 1829 (Report Book No. 5, p. 291) the lands are described and a sale of the same is reported to have been made to Thomas Moer. The records show no conveyance to Thomas Moer but they disclose a purchase money mortgage from him to M. J. Kieth Master dated March 11th 1828 (R. M. C. Office Charleston County Book U 9, page 301). This mortgage covers among other lands those in question. The entire property is described as follows: "All that Plantation or Tract of Land called Golding or Giveham containing about (1409) Fourteen hundred and nine acres more or less as per plat of Robert Q. Pinckney made in issue, that — Geiger directed Williman to make certain pay-

(See Copy here)

April 1825 butting and bounding Northwardly on Land now or late of Edward Huges, Eastwardly on Lands of the Estate of Colonel Walker, Southwardly on lands of Mrs. Singleton and Westwardly on Lands of Thomas Lee Esquire and Thomas Moer, and the Public Road to Bacon's Bridge, also the pine Land belonging to the late Jacob Williman in that Neighborhood and according to the above Survey of Robert Q. Pinckney and also about Two Hundred and fifty acres more or less of pine Land not surveyed, exclusive of the Lots of Pine Land heretofore sold, referred to in said proceedings. The said Plantation or Tracts of Land being situate, lying and being in Saint George's Parish Charleston District."

Lots had evidently been sold off of this Tract which formed a part of the Village of Summerville (Old Summerville) and Thomas Moer had a plat made which covered such lots, and others adjoining the same, not then occupied.

The writer has a copy of this Plat in his possession. This copy was made by Robert K. Payne, "from the original protraction in my (his) possession" of his "Plan of the Village of Old Summerville, the property of Thomas Moore. Esq." (spelled also Moer) "drawn December 1831". This Plan shows Forty-Nine Lots, not over ten occupied, and contains a "Great Thoroughfare" (now a part of Carolina Avenue) and several Streets. Though designated "Old Summerville" it is in reality only a part of "Old Summerville" not containing within its lines many of the older settlements such as Miss Hopkins's and those of the Mileses, the Warings, and others, its Northern line, in fact, not extending more than two hundred and seventy-five yards North of the Protestant Episcopal Church. I am informed by Mr. Smith that there is another plat made by R. K. Payne in Dec. 1832 of the whole property called the Old Summerville Pineland Tract. I have never seen this plat.

It is likely that Thomas Moer sold some of the lots covered by the plan of 1831, probably not many, for shortly after the making of this plan he died (1834), leaving his last Will and Testament dated Nov. 22. 1834 (Probate Court Charleston County Book H. p. 66).

It seems that he was heavily involved and in 1835 Honore

Mompoe filed a Creditors Bill against his Executrix Caroline Moer and others (Charleston County Bills 1839 No. 67). These proceedings resulted in a Decree dated January 22nd 1836 (Decree Book 8, page 16) whereby "Golding" and the Pine land tracts were ordered sold. Pursuant to this Decree, James W. Gray, Master in Equity, sold the properties and by deed dated July 5th 1836, (R. M. C. Office Charleston County Book W 10, p. 196) conveyed to Thomas Gadsden All that Tract of Land Situated near Old Summerville, in the Parish of St. George's, Dorchester in the District of Charleston and State aforesaid, Containing Seven Hundred and Forty-Seven (747) Acres more or less: Butting and Bounding to the North and West by lands of Mr. Stewart; East by the village of New Summerville and lands granted to James Stewart; and South on lands of — Blake, as per plat drawn by R. K. Payne in December, 1832.

Thomas Gadsden on July 5th 1836, mortgaged the said property to Phillip Gadsden (R. M. C. Office Charleston County Book M-11 p. 201). Philip Gadsden assigned this mortgage to J. F. Edwards who died testate (See Records Probate Court Charleston County) and his Executors brought suit against Thomas Gadsden to foreclose the mortgage (Charleston County Bills 1846 No. 45). By Decree in this case filed Feb. 26th. 1846 (Minute Book No. 28, p. 100), the land was ordered sold, and pursuant to said Decree it was sold to Rev. Philip Gadsden, who received a deed covering the same from Edward R. Laurens, Master in Equity, dated Apr. 3rd 1845 (Office of Clerk of Court, Colleton County Book 1, p. 551). The property is described in this deed as follows: "All that Pine Land, Situated, Lying, and Being in Summerville in the Parish of St. George, Dorchester, Containing Seven Hundred and Fifty-Seven (757) Acres more or less: Butting and Bounding to the North and West by lands of J. Stewart; and South by lands of Blake ; and East by the village of new Summerville, and lands of J. Stewart as appears by a plat thereof drawn by R. K. Payne.

There is no need to follow the ramifications of this title further. Suffice it to say that the Rev. Philip Gadsden and those of his family deriving title from him, and under his Will, dated Jan. 2nd. 1868 (Probate Court Charleston County, Book O, page 218), from time to time sold lots from this tract, which, as stated, origi-

nally included within its bounds "Old Summerville", as per Payne's Plat thereof in 1831 for Thomas Moer.

All titles in this section of the town, therefore, are derived through the Gadsdens, Thomas Moer, or some of the previous owners as disclosed by the foregoing history of the title.

2. THE WAINWRIGHT TRACT (NEW SUMMERVILLE):

This embraces the entire business portion and the most thickly settled part of the town. It covers all of the town to the North of the Railroad tract and adjoins on the South and West the James Stewart, Williman, and Daniel Stewart tracts. No more definite description is necessary, as there are plats showing the exact lines, of which hereafter.

The title to this Tract has been heretofore traced to Richard Wainwright (page 13). On July 28, 1791, Freeman and Pringle obtained a judgment against Richard Wainwright and thereunder Thomas Osborne, Sheriff of Colleton, sold to Robert Dewar on Apr. 5th 1802, (R. M. C. Office Charleston County Book F No. 7 page 318) his tract of land by the following description: "All that the aforesaid plantation or tract of Land containing Twenty-Three Hundred Acres more or less, situate in the parish of Saint George Dorchester in the State aforesaid, bounding on Lands of Daniel Stewart, Jacob Williman and estate of Daniel Blake deceased."

Robert Dewar died seized of the above described tract and it passed under his Will dated Jan. 3rd, 1815, probated Jan. 10th, 1815, (Probate Court Charleston County Will Book E, page 467) to Robert Dewar Wainwright, Elizabeth S. Bacot, Mary Ray, Sarah Dewar Wainwright and Harriet Susannah Wainwright. On May 8th, 1828, Thomas W. Bacot Jr. and wife filed a Bill for Partition against T. W. Bacot Sr. and Elizabeth S. his wife and others devisees of Robert Dewar (Charleston County Bills "1832 No. 4") A Writ of Partition was issued and it being discovered that the 2300 acre tract was omitted a petition was filed setting forth these facts and praying for a new Writ. The new Writ was ordered Jan. 25th, 1831, Return made by the Commissioners on Jan. 27th, 1831, and the land ordered to be sold.

James W. Gray, Master in Equity, accordingly on May 14th,

1831, (R. M. C. Office Charleston County Book H. 11, p. 510), conveyed to the South Carolina Canal and Railroad Company which Company had been incorporated in 1827 (VIII Stats., pp. 354, 355, et seq.) 1800 acres of the 2500 acre tract, described as follows: "All that plantation or tract of pine land, containing 1800 acres, situate in the Parish of St. George, Dorchester, in the State aforesaid. Bounding on lands of Daniel Stewart, Jacob Williman, the Estate of Daniel Blake and the Executors of John Ferguson, deceased, being part of a tract containing formerly 2300 acres, conveyed by Thomas Osborne, Sheriff of Colleton District, to Robert Dewar by indenture bearing date April 5th, 1802. Five hundred acres of which have been conveyed to the Executors of John Ferguson on the day of the date of these presents."

In passing I note as a matter of interest, an unusual endorsement on the record of this deed, by Judge J. L. Petigrue. There is a short abstract of title and then the following ;

"I believe the above to be a good title but the abstract is very deficient in not showing that it has ever been granted. On the presumption arising from possession I might take it myself if I was in want of the land, but that is all I can say for it.

J. L. Petigrue."

Either Judge Petigrue or the abstractor who prepared the abstract for his opinion, did not pursue his investigations with sufficient assiduity, for the title has been carried back to the grants as heretofore shown.

In 1832 The South Carolina Canal and Railroad Company had a portion of this 1800 acre tract laid out into the Village of "New Summerville."

The Plan is by C. E. Detmold, is dated 1832 and was originally recorded in the R. M. C. Office for Charleston County in Book F. No. 10, p. 404. It now appears of record in that office in Plat Book B, p. 97, and Plat Book C, page 38. The certificate thereon is as follows. "Plan of New Summerville, situated in St. George's Dorchester Parish and the District of Charleston, laid out in March, 1832, by C. E. Detmold. Scale 400 ft. per inch."

The scheme of this Plan is as follows: The railroad runs through the village from S. E. to N. W. There is an avenue on each side of the track subsequently called "Railroad Avenue."

All streets to the North of this Avenue are designated "First North Street," "Second North Street," etc., up to "Sixth North Street," and all streets to the South are designated "First South Street," "Second South Street," etc., up to "Seventh South Street." Main Street, 200 feet wide, runs at right angles to these streets and the railroad station is located in this street. All streets parallel to Main Street are named after trees, as follows: (From East to West) Gum, Magnolia, (Main), Black-Jack, Pine, Laurel, Hickory, Palmetto and Walnut. All streets except Main are 100 feet wide. The squares contain four acres and are numbered. Some are subdivided. Some of the present streets were not contemplated by this Plan, but are encroachments on the lots, and in use for years, the most notable instance being Central Avenue, which throughout its entire length encroaches on the original squares.

The Railroad Company then proceeded to found this village and to guard its health, most of the early deeds contained in substance the following recital:

"Every lot shall consist of one acre, and on every lot shall be preserved not less than fifteen pine trees, measuring not less than ten inches at the height of three feet above the natural surface of the ground. And if any lot owner shall suffer the trees on his lot to be cut or destroyed, so that there should not be found as many as fifteen pines of the dimensions aforesaid on his lot, his title to said lot shall be forfeited, and the fee simple and inheritance of the said lot, shall vest in the said South Carolina Canal and Ry. Co. One dwelling house and all sorts of out houses in the owner's discretion may be built on one lot, but no tenant or owner shall erect more than one dwelling house on one lot, nor shall any lot be subdivided for the purpose of building more dwelling houses than one on an acre. These regulations shall constitute the conditions and the tenure by which the said tenants or owners shall hold their estates in the said village, until altered, changed, or abolished by the vote of two-thirds of the resident tenants or owners actually occupying the said lots, and in case the above regulations, or any of them shall be broken, the estate hereby granted shall be forfeited and the same shall revert to and vest in the said Company."

The Habendum clause was to the grantee "and his Heirs and assigns by the tenure aforesaid, so long as the said ———— and his heirs and assigns shall observe and keep the rules hereinbefore mentioned".

These deeds were in most instances also executed by the Grantee.

The tradition is that many years ago a meeting was called and held according to the provisions of these deeds, at which Judge Benjamin C. Pressley presided, and that a vote was taken abolishing the rules. But be this as it may under certain principles of law (to state which would carry us beyond the scope of this article) there need now be no apprehension on account of the conditions of these deeds.

Most of the later conveyances by this Company and its successors do not contain any such restrictions and are straight conveyances in fee simple.

By the Act of 1842 the South Carolina Canal and Railroad Company and the Louisville, Cincinnati and Charleston R. R. Co. were united in one corporation (XI Stats., page 284.)

By the Act of 1843 the name was changed to South Carolina Railroad Company (XI Stats., 273.)

It would require too extended a discussion to give the numerous ramifications of the title to such portions of New Summerville as were not disposed of by the last named corporations. It suffices to say that the South Carolina Railroad Company became involved and its properties were sold under Decree of the United States Circuit Court in the case of Calvin Claflin against it. The South Carolina Railway Company was then organized and acquired the properties (1881 and 1883). This corporation likewise became involved and under proceedings in the case of F. W. Bound against it in the United States Circuit Court and certain other suits ancillary thereto its properties were sold and acquired by the South Carolina and Georgia Railroad Company (1894).

By the Act of 1902 (XXIII Stats. 1152) and the consolidation thereby provided for, under proper proceedings the properties of the South Carolina and Georgia Railroad Company became vested in the Southern Railway—Carolina Division, and all of the properties of this road were leased to the Southern Railway Company (a corporation under the laws of Virginia.)

Lots have from time to time been sold by all of the corporations above referred to, with the exception of the last two. I am under the impression that none of the few remaining lots which passed to these corporations has been disposed of by them.

3. THE JAMES STEWART OR NETTLES TRACT.

Approximately speaking this embraced that portion of the town lying South of Seventh South Street, East of Main Street, and North of Carolina Avenue (Stallsville Road), and also that portion lying West of Main Street, embraced in the following lines: Beginning at the intersection of Main Street and the next Street South of Seventh South Street and running thence almost due West to about the old Methodist Church, thence in a Southeastwardly direction to a point near the intersection of Main Street and Carolina Avenue.

This tract is the Northern part of a Grant to James Stewart by the State of South Carolina (Charles Pinckney Governor) on February 5. 1798, of 500 acres of land, situate in the District of Charleston, St. George Parish, on Saw Mill Branch of Ashley River. (Sec. of State's Office Vol. E No. 5, p. 232. Plat of same dated Feb. 3rd. 1798, Vol. No. 35, p. 160.)

The greater portion of this grant lies to the South of Summerville towards Stallsville, but the Northern portion lies in the town as stated.

Mr. Smith states (page 13 hereof) that this is an infringement of previous grants, also that it is apparently covered by a subsequent grant of 1000 acres to Stephen Nettles in 1803.

Tradition says that James Stewart died intestate, and unmarried, leaving as his only heirs at law and distributees his two nieces Miss Esther A. Nettles and Miss Mary S. Nettles and possibly a nephew, but be this as it may, there is no question but that the Misses Nettles always claimed this property and from time to time sold lots from it, and titles to most, if not all, of the property in the section of the town above referred to were made by

them.

4. THE DANIEL STEWART TRACT.

This lay to the Northwest of Summerville and covers a small portion of the Northwestern section of the town adjoining the Williman and Wainwright Tracts.

Approximately speaking, this tract included the "Hickory Hill" section (Gadsdens, Emerson, Barry) and that portion of the town to the Northwest and Southwest thereof. I have not been able to satisfy myself exactly where the lines ran and as hereafter stated, it is possible that a small part of another grant lay between the "Stewart," "Wainwright" and "Gadsden" tracts.

About the only information I can gather in regard to this tract is from a letter of Judge B. C. Pressley to Messrs. Inglesby & Miller (of the Charleston bar) dated Nov. 14th, 1892, from which I quote:

"The Miles lot is a part of a former tract of Daniel Stewart. He died before 1791 and under primogeniture the land went to his eldest son J. Rosseau Stuart (sic). He gave the Miles 4 acres to his sister Mrs. Garner (Ann Mishaw Garner) but never gave her a title. He and she and all the family moved to Alabama 50 or 60 years ago."

Judge Pressley was, however, in error in stating that Mrs. Garner was a sister of Mr. Stewart, as the family assure me that there was no relationship between them.

5. POSSIBLE UNKNOWN TRACTS.

A small part of the Southeastern portion of the town between the Stewart and the Williman Tracts originally formed part of a larger body of land, embracing the negro settlement back of the Jervey residence and in front of Rugheimer's, granted to (————) and prior to 1798 owned by William Blake.

Again it is possible that a small part of the Western portion of the Town (though it may be a part of the Daniel Stewart grant) lay between the Wainwright, the Daniel Stewart and the Williman Tracts and came from some source

other than these tracts. The records being deficient the writer has endeavored to find some old muniment of title which would give information in regard to its early history, but has been unsuccessful.

DIVISIONS OF THE PROVINCE AND STATE IN WHICH THE
LANDS NOW IN SUMMERVILLE HAVE BEEN LOCATED.

Summerville's lands were first in Berkley County, one of the original subdivisions of the Province of Carolina.

By the Act of 1704, (Stats. at Large Vol. II, p. 236) Berkley County was divided into six parishes (not named), one to be upon Goose Creek and one upon Ashley River.

In 1706 an Act was passed (Stats. at Large Vol. II, p. 282) which provided "that Berkley County shall be divided into six more parishes besides Charlestown, that is to say, one upon Goose Creek, which shall be called by the name of St. James Goose Creek; one upon Ashley River which shall be called by the name of St. Andrews. By the Act of 1708 (Id. p. 328) the bounds of the parishes are given. I have been unable to inspect any plats of this period, and it is impossible from the description in the Act alone, to say with certainty whether the Summerville lands at this time lay in St. Andrew's or St. James Goose Creek, it was probably the former.

The copy of Herman Moll's Map dated 1715, in the Appendix to the Year Book of the City of Charleston for the year 1886, shows the parishes of St. James Goose Creek, St. Andrews and St. George, and the church in the last named Parish, and according to this Map Summerville lands lay wholly in the Parish of St. George. This Parish was not established, however, until 1717 (two years after the date of the said Map), when a new Parish was cut off from the upper part of St. Andrews Parish and named St. George's (Stats. at Large Vol. III, p. 9). Again it is impossible to say without access to the plats, whether Summerville lands lay in the Parish of St. George's or in St. James Goose Creek.

They may have been in both.

For many years there were disputes, as to the proper lines between the Parishes of St. Andrews, St. James Goose Creek and St. George, and the lines were changed and re-established several times. (Vid. Stats. at Large Vol. III, p. 134 (1721); Vol. V, p. 56 (1788), Id. p. 366 (1799); Id. p. 599 (1809); Id. p. 645 (1811); Vol. VI, p. 35 (1816) according to plat of John Wilson; Vol. IX, p. 313 (1788); Id. p. 432 (1808).

The Act of 1809 Vol. V, p. 599, above referred to and some of the later Acts, fix the boundary line in this locality between the parishes of St. James Goose Creek and St. George's Dorchester, as running from the lower line of the Parish of St. George and the upper line of St. Andrews where it intersects with the line of St. James Goose Creek a direct Northwest course until it strikes Four Hole Swamp. This is said to be the same line (N. 49° W) which running through the town subsequently divided Colleton and Charleston Counties, of which hereafter.

The original Counties into which the Province was divided seem to have been abolished and the State subsequently but prior to 1780, divided into Districts, and Summerville lands lay in Charleston District. The Act of 1783 (Stats. at Large, Vol. IV, p. 561) provided for the Division of Charleston District into Counties, and Commissioners were appointed for this purpose. They evidently performed this duty and reported, for in 1785 (Stats. at Large Vol. IV, p. 663) Charleston District was divided into six Counties, of which "Berkley County" was one and Summerville's lands lay therein. This County, however, was not similar to the original Berkley County, and had no connection whatever with the present County of this name, which was not established until 1882.

These subdivisions of the Districts into Counties were for the purpose of establishing County Courts for the convenience of the citizens, but the experiment seems not to have been successful, for the Counties were abolished, and the Court Houses and Jails therein directed to be sold (vid. Stats. at Large 1803 Vol. V, p. 468.)

By the Act of 1798, VII Stats, p. 284, Colleton District was formed from that part of Charleston which included the Parishes of St. Paul's, St. Bartholomew, and St. George Dorchester.

The District line between Charleston District and Colleton District ran through the town, as at present located, approximately as follows: It entered the town South of Seventh South Street, crossing Saw Mill Branch, and ran across the lot of Mr. Skinner on Red Hill, between Sixth and Seventh South Streets, thence by Mrs. William Webb's, through the Cottage formerly of Mrs. Charles Boyle, thence between the present Graded School Building on Laurel Street and the residence of Mr. T. R. Tighe—a blazed pine near a spring on the school lot being on the line—thence through the old Post Office lot which was opposite to Mr. Daniel Miler's residence, and through Mrs. Manigault's lot; thence a little to the Southwest of and skirting the Street (Bluminburg) now running between the residence of Mrs. Wayland and that of Miss Walker on one side and Mrs. Stello's and the old Witte place now Legaré Walker on the other, and leaves the town at or near Mr. Parson's gate at the head of this Street.

The portion of the town to the Northeast of this line lay in Charleston District, and that to the Southwest in Colleton.

By Article II, Section 3, of the Constitution of 1868, the Districts were changed to Counties, with the same boundaries (except Pickens County.)

By the General Statutes (1882) Sec. 414, the line between the two Counties (Charleston and Colleton) is thus described: "From Windsor Hill a straight line (N 49° W) to Four Hole Swamp three-quarters of a mile above Four Hole Bridge near Harley's". The same line is given in Revised Statutes (1893) Sec. 472. This is the same line whose course through the town has been described above.

The town remained partly in Charleston County and partly in Colleton County until the formation of Berkeley County in 1882, when such portion thereof as was in Charleston County passed into Berkeley County. (Vid. Acts 1882, Vol. XVII.

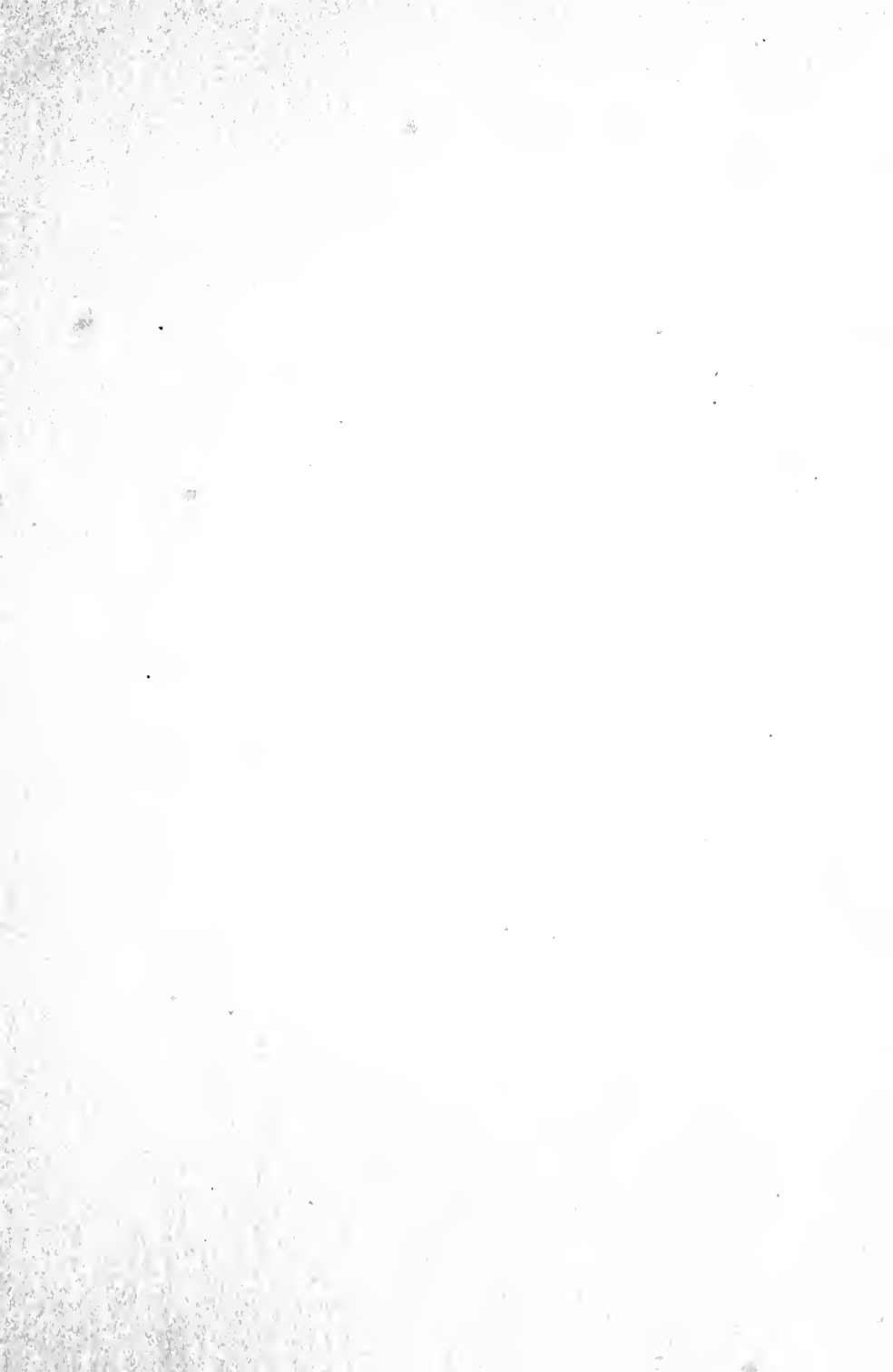
p. 682, also Acts of 1893, Vol. XXI, p. 561; Acts of 1896, Vol. XXII, p. 309; Genl. Stats., Sec. 409; and Rev. Stats., Sec. 467.)

The town thus remained partly in Colleton and partly in Berkeley County (the same line marking the division) until the formation of Dorchester County in 1897 (Acts of 1897, Vol. XXII, p. 595.)

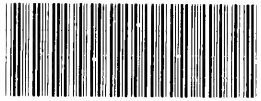
By this Act Dorchester Township was taken from Colleton County and the following portion of Berkeley County was also taken: "From the intersection of the County line between Colleton and Berkeley Counties with the run of Four Hole Creek a straight line to a point upon Saw Mill Branch one mile Northeast of the South Carolina and Georgia Railroad, thence along said branch to the Colleton County line, and thence back to the starting point along the line of division between Colleton and Berkeley Counties."

Since the said date (1897) Summerville has been wholly within Dorchester County. Its tax division is School District No. 18, within which the entire town lies.





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